

ECK TRUCKING COMPANY, INC.

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DEPT. OF TRANSPORTATION
DOCKET SECTION

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June 10, 1998

Attn: Docket Club
US DOT Dockets Room PL-401
400 ~~Scripps~~ ^{1st} Street SW
Washington, DC 20590

RE: Proposed Amendment to Rule 490 FR 390 & 395

Docket FHWA 98-3706 - 14

Dear Sir/Madam:

The following comments are submitted for your consideration:

The total hours of service needs to be scrapped. The Hours of Service Regulations are stiff, rigid, and out of touch with current equipment and roads. They are certainly better now than they were when the Hours of Service Regulations were written. Now, it seems you want to restrict drivers even more and force them again even more to comply with a bad regulation. What about the lumping issue? You are completely ignoring that. The rule should be shipper load, consignee unload. Now isn't that simple enough? Talk about wasting drivers' production time.

Now you come out with a new proposed amendment which places an additional burden on the driver and the company. You don't clarify which documents are acceptable, nor does it state what the DOT will accept. The proposal does not list a standard to guide companies on their checking. Now everyone knows auditors and their fines are not created equal. This proposal, if it is put into effect, will be just another foot on the neck of the trucking companies and its CMV drivers. Talk about a driver shortage--you have just started shutting down the company by assuring that a lot of scarce CMV drivers will just look for employment in other industries.


What we suggest--and implore--What happened to the 24 hour rule and what happened to Guidance before the Hammer?

Give us model programs, tell us what is not acceptable under the rules and limit our audit exposure to those systems which you have identified as acceptable. Indemnify us from fines for two years while we put these programs in place and further indemnify us from fines on the first inspection if our program is not effective.

If we can't fix the broken rules, let's don't just give the auditor a bigger hammer so he can make compliance with a bad rule more palatable than non-compliance. In my opinion, the net result of this proposal, if implemented, is to arm the auditor - DOT, State Police - or other agents with more power to use at their discretion. Safety has nothing to do with when they write up things like a missing year in the date on a log 3 days back, or other continued write ups. This is just another ploy to collect big fines and make business more difficult for the trucking industry.

Let's put everything on hold until after we eliminate the current DOT rules and make new ones that everyone can live with, not give DOT, State Police, and auditors a bigger hammer to enforce old and unfair regulations.

Very truly yours,


Harold C. Eck
President

HCE:lbw

cc: NASTC